



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2402625
Applicant Name: Art Peterson
Address of Proposal: 1419 37th Avenue

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a 306 sq. ft. ground floor addition to an existing single family residence. The project proposal is to expand the existing kitchen by another four feet into the required rear yard.

The following approvals are required:

Variance - to allow an expansion of a non-conforming structure.
(SMC 23.44.082)

Variance - to allow a portion of principal structure to extend into the required rear yard.
(SMC 23.44.014.B)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site and Vicinity Description

The 5,000 sq. ft. site is located mid block in a Single Family 5000 (SF-5000) zone approximately 166.20 feet from East Pike Street to the north and 155.76 feet from East Union Street to the south. The existing lot is rectangular in shape measuring 100 feet in length and 50 feet in width. The lot is developed with a 1,156 sq. ft two story single family residence with a partial basement. The existing house was built in 1902, prior to the adoption of the City of Seattle's present zoning laws regulating rear yard setback. The house is setback 42.2 feet from the front property line and 9 feet from the rear property line. The large front yard slopes gradually towards the east to the front property line and consists of a dense vegetation of large to medium trees, shrubs and small flower garden. The site abuts a 12-foot wide alley west of the rear property line. Parking is currently provided on the street with only pedestrian access through a flight of stairs to the house. The house is non-conforming with respect to the rear and (north) side yard requirements.

The residences in the neighborhood are predominantly two-story homes scattered throughout the area. All of the six homes within the same block front have very reduced rear yards with adequate front yards. Abutting the subject property to the north, east and south are single family residences. Surrounding zoning is primarily Single Family 5000 (SF 5000). Development in the vicinity is predominantly single family residential.

Proposal Description

The applicant is proposing to to expand the size of an existing kitchen to a larger more functional space in the existing single family residence. The expansion would include moving the kitchen/entry west wall approximately 4 feet further into the rear yard, extending the north south dimension to the full width of the house but will be setback 5 feet from the rear property line. The area of addition will total 306 sq. ft.

Public Comments

The public comment period for this project started on June 10, 2004 and ended on July 23, 2004. One comment letter was received in support of the project. The respondent commented that most of the houses on the block have reduced rear yards, therefore, the proposed project will not be out of character with other houses in the same block.

ANALYSIS - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist. Analysis for the variance requested follows each statement of required facts and conditions.

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;***

The house is currently set back 9-feet from the rear property line instead of 21-foot rear yard setback (15 ft. from rear property line) as required by the Land Use Code. The existing location of the subject residence is an unusual property related condition not caused by the applicant. The applicant would not be able to add to the existing kitchen in a conforming location. Any addition to the footprint in a conforming location would not be functional to the existing layout of the residence. Strict application of the Land Use Code would deprive the applicant the right of enlarging an existing kitchen. Most abutting properties on the same block enjoy the privileges of reduced rear yards and larger functional kitchen space in their residences. Because of the unusual conditions applicable to the subject property, including shape, location of the existing house, and topography, which are not created by the applicant, the strict application of the Land Use Code would deprive the property of the rights and privileges enjoyed by other property owners in the same zone or vicinity.

2. ***The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;***

The existing residence is nonconforming with respect to the minimum rear yard requirement. The proposed kitchen addition will extend 4 feet further into the required rear yard for a total of 306 sq. ft. The addition will allow a more functional kitchen to be added to the single family home and does not go beyond what is necessary to afford relief. Most of the residences on the same block and in the vicinity have reduced rear yards and enlarged functional kitchen space. Therefore, the proposed addition to provide a more functional kitchen would not constitute a grant of special privilege.

3. ***The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;***

The new addition will be minimal and not out of character with the rest of the block. The location of the house is separated from the alley and abutting properties across the alley by fairly dense vegetation of evergreen trees along the rear property line. The proposed expansion into the required rear yard does not present any material detriment to the abutting properties. Therefore, granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity.

4. ***The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;***

The literal interpretation and strict application of all applicable provisions or requirements of the Land Use Code would not allow for the addition to expand the existing kitchen. Because of the location of the structure and the existing floor plan, an addition in a conforming location would not provide the owner with a functional layout.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The purpose of the Land Use Code is to protect and promote public health, safety, and general welfare through a set of regulations and procedures for the use of land which conforms to the City's land use policies. Procedures are established to increase citizen awareness of land use activities and their impacts and to coordinate necessary review processes. These provisions are designed to provide adequate light, air, access, and open space.

The spirit and purpose of the Land Use Code provides for the preservation of the character of single family neighborhoods and for housing opportunities. The proposed kitchen addition would provide more usable living space and would be compatible with these policies. The proposal would be consistent with the spirit and purpose of the Land Use Code and policies.

DECISION - VARIANCE

A variance to allow an expansion of a non-conforming structure (SMC 23.44.082.A) is **GRANTED.**

A variance to allow a portion of principal structure to extend into the required rear yard (SMC 23.44.014.B) is **GRANTED.**

CONDITIONS – VARIANCE:

None.

Signature: (signature on file) Date: August 5, 2004
Christopher A. Ndifon, Land Use Planner
Department of Planning and Development
Land Use Division